

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT MICHAEL HILL,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C14-5330 RJB-JRC

ORDER DENYING PETITIONER'S  
MOTION TO SEAL APPENDIX NINE  
BUT DIRECTING THE CLERK'S OFFICE  
NOT TO UNSEAL THE RECORD FOR  
TWENTY DAYS

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

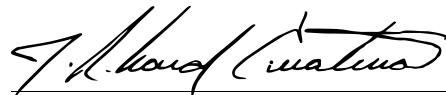
Petitioner asks the Court to seal appendix nine to his motion to expand the record because the appendix contains medical records (Dkt. 3). Respondent opposes the motion and argues that petitioner failed to comply with the Local Rules regarding sealing of documents (Dkt. 15). Respondent notes that petitioner fails to provide a specific statement of the applicable legal

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1 standard and reasons for keeping the documents under seal as required by Local Rule 5(g)(3)(B)  
2 (Dkt. 15, p. 2). Respondent argues that petitioner failed to certify counsel met and conferred “so  
3 as to minimize the amount of material filed under seal” as required by Local Rule 5(g)(3)(A)  
4 (Dkt. 15, p. 2). Respondent also argues that petitioner has placed his medical condition at issue  
5 and waived any right to privacy in the records (Dkt. 15, p. 2).

6 The Court has reviewed the proposed appendix. Petitioner submitted three hundred and  
7 nineteen pages of material. Much of the material involves other issues that have no bearing on  
8 the petition that is before the Court. There is no indication that petitioner sought to minimize the  
9 number of pages submitted as required by Local Rule 5. Further, petitioner has failed to comply  
10 with the redaction requirements of Local Rule 5.2 (a)(1) and (3). The redaction requirements  
11 apply even to documents under seal. *See* Local Rule 5(g)(1)(B). The records submitted contain  
12 un-redacted birthdates and social security numbers. **Pursuant to Local Rule 5(g)(6) the Court**  
13 **directs the Clerk’s Office not to unseal the record.** The Court gives petitioner 20 days to  
14 withdraw the appendix. If the appendix is not withdrawn it will be unsealed. If the appendix is  
15 withdrawn, the Court orders that the Clerk’s Office delete the entry from the docket. Petitioner  
16 may resubmit his motion to seal this appendix after complying with all requirements of Local  
17 Rule 5 and 5.2, including the meet and confer requirement.

18 Dated this 17<sup>th</sup> day of September, 2014.

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21 J. Richard Creatura  
22 United States Magistrate Judge  
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